

REMARKS

Claims 1, 2, 3, 5, 7, 9 and 10 are in the application. By this amendment, Claims 1, 5, 7, 9 and 10 are amended, and Claims 3, 4, 6-8, and 11-21 are cancelled.

All the claims stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tamor, U.S. Patent 6,196,344 ("Tamor") in view of Leung, U.S. Patent 4,197,767 ("Leung"). The Examiner states that Tamor discloses a hybrid electric vehicle that controls the torque of an engine and accordance with the total torque command for propulsion. The Examiner asserts that Tamor's EEC 52 controls engine parameters to adjust torque. Although the Tamor reference lacks the specifics of spark, fuel and air control, which is taught by Leung, the Examiner continues with the argument that it would have been obvious to adjust the output torque of the hybrid electric vehicle engine by changing the input variables such as spark, fuel, and air control. Applicants respectfully traverse this rejection and request that each of Claims 1, 2, 3, 5, 7, 9 and 10 be reconsidered in view of these remarks and in view of the amendment of the various claims, and passed to issue. Such action is earnestly solicited.

As set forth in the claims, which have been amended to more clearly set forth Applicants' invention, Applicants' device includes the control of engine torque in the context of a parallel/series hybrid electric vehicle, in which a first control strategy embodied within the first controller determines a modified engine torque signal from at least a desired engine torque signal and an estimated engine torque signal determines from at least an estimated generator motor torque signal. Applicants respectfully submit that neither Tamor, nor Leung, whether taken singly, or in combination with each other, either teach or suggest Applicants' claimed invention as set forth in either independent Claim 1, or independent Claim 7. Rather, Tamor teaches the use of an accelerator position signal for controlling the output of an engine within a hybrid electric vehicle. Tamor contains nothing about using a modified engine torque signal incorporating a desired engine torque signal and an estimated generator motor torque signal. Leung, on the other hand, discloses control of engine fuel supply based upon transmission gear selection or manifold absolute

pressure. Therefore, Leung contains nothing regarding torque control with a hybrid electric vehicle and certainly nothing to do with torque control with any vehicle having a electric motor drive.

The claims of this case, as amended, clearly set forth that Applicants use a modified engine torque signal, determined from at least a desired engine torque signal and an estimated engine torque signal, to determine engine air flow, engine fuel flow and engine spark timing. Because neither Tamor nor Leung teach or suggest the use of both estimated engine torque and desired engine torque to control engine air, fuel and spark, each of the claims remaining in this case is believed to be in condition for allowance and should be passed to issue. Such action is earnestly solicited.

Dykema Gossett PLLC

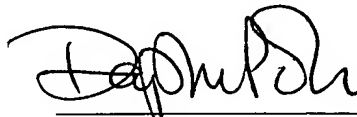
By: 

Jerome R. Drouillard
Registration No. 28,008
2723 South State Street, # 400
Ann Arbor, MI. 48104
(734) 214-7670

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CERTIFICATE OF MAILING

I hereby certify that the enclosed Amendment is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18 day of May, 2004.



Daphne Poh